UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,467	11/26/2003	Masatsugu Ohashi	740165-366	8132

22204 7590 03/09/2006

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

EXAMINER	
SHAFER, RICKY D	

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H·A

Office Action Summary	Application No.	Applicant(s)	
	10/721,467	OHASHI, MASATSUGU	
	Examiner	Art Unit	
	Ricky D. Shafer	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *2,3,5,7 and 8* is/are withdrawn from consideration.

5)☒ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,6 and 9-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/21/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 10-15 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 15, claims 12, 15 and 18, line 2, and claim 19, line 3, "said control mechanism" lacks proper antecedent basis.

In claim 12, line 2, the use of the language "a case" is vague and indefinite due to the fact that it is unclear to the examiner whether the above mentioned language is referring to the case recited in claim 1, line 14 or to some other case. Thus, the metes and bounds of the claim is unclear.

In claim 13, lines 2-3, "said first wall" lacks proper antecedent basis.

In claim 14, lines 1-2, "said first and frame walls" lacks proper antecedent basis.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 10-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamoto et al ('322) in view of Mori et al ('144).

To the extent the claims are definite, Hamamoto et al discloses an outer mirror device for a vehicle comprising a mirror (2) for rearward viewing; a mirror surface angle adjusting

mechanism [(5,6,7),(9,10,11)] mounted to the mirror, which receives power and adjusts a mirror surface angle of the mirror; a mirror surface angle detecting mechanism (116,117) which can detect the mirror surface angle of the mirror; a control device (115) electrically connected to the mirror surface angle adjusting mechanism and the mirror surface angle detecting mechanism, and supplying power to the mirror surface angle adjusting mechanism on the basis of an operation signal, and electrically changing the mirror surface angle detecting mechanism at appropriate times (see figures 4 and 6); and a mirror visor cover (1) which accommodates the mirror surface angle adjusting mechanism, the mirror surface angle detecting mechanism and the control device between the mirror visor cover and the mirror, wherein the mirror surface angle adjusting mechanism has a first case (adjacent element 2), and the control device has a second case (adjacent element 19) and the mirror surface angle detecting mechanism is provided in the second case (see Fig. 5), note figures 4-6 along with the associated description thereof, except for explicitly stating that one of the cases includes a wall disposed between the mirror surface adjusting mechanism and said control device.

Mori et al teaches it is well known to use first and second cases, one for accommodating a control device (40) and the other for accommodating a mirror surface angle adjusting mechanism (31-33), wherein one of the cases includes a wall (2,2a) disposed between the mirror surface adjusting mechanism and said control device and wherein said wall includes an opening (see figures 2 and 3) which inherently includes electrical connectors (conductors) to supply an electrical current from the control device to a motor (33) of the mirror surface angle adjusting mechanism in the same field of endeavor for the purpose of increasing the reliability of a

waterproof (water-tight) seal (see column 3, lines 46-57). Note figures 1-3 along with the associated description thereof.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify at least one of the cases of Hamamoto et al to include a wall disposed between the mirror surface adjusting mechanism and said control device, as taught by Mori et in order to increase the reliability of a waterproof (water-tight) seal.

As the limitations of claim 20, it is well known to use electrical connectors having detachably connectable electrical terminals in the same field of endeavor for the purpose of rapidly replacing defective electrical components, such as electrical motors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inherent electrical connectors (conductors) of Hamamoto et al to include detachably connectable electrical terminals, as commonly used and employed in the mirror art, in order to rapidly replace the electrical motor(s) should the motor(s) become defective.

5. Claims 4, 6, 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamamoto et al ('322) in view of Mori et al ('144).

To the extent the claims are definite, Hamamoto et al discloses an outer mirror device for a vehicle comprising a mirror visor cover (1) which covers a back surface of a mirror (2) for rearward viewing to form a space between the mirror and the mirror visor cover; a mirror surface angle adjusting mechanism [(5,6,7),(9,10,11)] at which an electric motor (5,9), a rotating member (6,10) rotating due to rotation of the electric motor, and a portion of a drive rod (7,11) connected to the mirror and moving rectilinearly due to rotation of the rotating member, are

accommodated in a first case (adjacent element 2), the mirror surface angle adjusting mechanism changing a mirror surface angle of the mirror by rectilinear movement of the drive rod; a control device (the single-chip central processing unit/microcomputer, as depicted by Fig. 6) having a second case (adjacent element 19) which is connected to the first case within the space (see Fig. 5), and a control substrate (115) which is accommodated within the second case and at which is provided a control circuit (118,144) for power-supplying the electric motor on the basis of an operation signal (the switches (134) and/or the single-chip central processing unit/microcomputer provided in the body of the vehicle); and a mirror surface angle detecting sensor (116,117) disposed within the second case, and detecting one of a position of the drive rod and a rotational position of the rotating member, note figures 4-6 along with the associated description thereof, except for explicitly stating that one of the cases includes a wall disposed between the mirror surface adjusting mechanism and said control device.

Mori et al teaches it is well known to use first and second cases, one for accommodating a control device (40) and the other for accommodating a mirror surface angle adjusting mechanism (31-33), wherein one of the cases includes a wall (2,2a) disposed between the mirror surface adjusting mechanism and said control device (see figures 2 and 3) in the same field of endeavor for the purpose of increasing the reliability of a waterproof (water-tight) seal (see column 3, lines 46-57). Note figures 1-3 along with the associated description thereof.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify at least one of the cases of Hamamoto et al to include a wall disposed between the mirror surface adjusting mechanism and said control device, as taught by Mori et in order to increase the reliability of a waterproof (water-tight) seal.

6. Claims 1, 4, 6 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al ('144) in view of Hamamoto et al ('322).

To the extent the claims are definite, Mori et al discloses an outer mirror device for a vehicle comprising a mirror (10) for rearward viewing; a mirror surface angle adjusting mechanism [(31-33), (34-36)] having an electric motor (33,36), a rotating member (32,34) rotating due to rotation of the electric motor, and a portion of a drive rod (31,34) connected to the mirror and moving rectilinearly due to rotation of the rotating member, are accommodated in a first case (8), the mirror surface angle adjusting mechanism changing a mirror surface angle of the mirror by rectilinear movement of the drive rod (see column 2, line 61 to column 3, line 17); a control device having control substrate (40), positioned in a second case (13) which is connected to said first case, which inherently provides an electrically connection to the mirror surface angle adjusting mechanism for supplying power to the mirror surface angle adjusting mechanism on the basis of an operation signal (the switches (134) and/or the single-chip central processing unit/microcomputer provided in the body of the vehicle), and a mirror visor cover (4) which accommodates the mirror surface angle adjusting mechanism and the control device between the mirror visor cover and the mirror, wherein one of the cases includes a wall (2, 2a) disposed between the mirror surface adjusting mechanism and said control device (see figures 2 and 3), wherein the first case and the second case are integral, wherein the cases provide for a waterproof (water-tight) seal and wherein said wall includes an opening (see figures 2 and 3) which inherently includes electrical connectors (conductors) to supply an electrical current from the control device to the electrical motor of the mirror surface angle adjusting mechanism, note figures 1-3, along with the associated description thereof, except for explicitly stating that said

outer mirror device includes a mirror surface angle detecting mechanism which can detect the mirror surface angle of the mirror.

Hamamoto et al teaches it is well known to use mirror surface angle detecting mechanisms (116,117) in the same field of endeavor for the purpose of detecting a mirror surface angle of a mirror.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify at the control device of Mori et al (see column 3, lines 58-61) to include a mirror surface angle detecting sensor, as taught by Hamamoto et al, in order to detect the mirror surface angle of the mirror, so as to provide memory set mirror positions.

As the limitations of claim 20, it is well known to use electrical connectors having detachably connectable electrical terminals in the same field of endeavor for the purpose of rapidly replacing defective electrical components, such as electrical motors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inherent electrical connectors (conductors) of Mori et al to include detachably connectable electrical terminals, as commonly used and employed in the mirror art, in order to rapidly replace the electrical motor(s) should the motor(s) become defective.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

March 03, 2006

RICKY D. SHAFER
PATENT EXAMINER
ART UNIT ~~2500~~ 2872